

## MINUTES OF REGULAR MEETING April 18, 2012

**1. CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:05 p.m.

- 2. “Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by annual notice published in the Hunterdon Democrat and Courier News; posted on Union Township website, public bulletin board and on file in the Municipal Clerk’s Office.

**3. FLAG SALUTE**

- 4. ROLL CALL**      Present: Mr. Severino, Ms. McBride, Mr. Bischoff  
Absent: Mr. Mazza, Mr. Hirt  
Others Present: J. Peter Jost, Esq., Ella Ruta, Robert Clerico, PE

**5. APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular and Executive Session Meeting Minutes of April 4, 2012.

Corrections to Regular Meeting Minutes:

- Ms. McBride, on page 5 add “T” to word Budge. On Page 7 Res. 2012-66 first line correct misspelling of emergency and on second line correct N.J.S. to N.J.S.A. Page 12 bottom line change “CCO” to TCO. Page 16, Mr. Severino’s Report , third item, replace first sentence with” Recycling reports have been sent out to businesses.”

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff					X	

Motion carried as amended

**6. VISITORS**

- a. Gary Pyner, Jr. – Proclamation commending Gary Pyner, Jr. for his quick action in rendering emergency assistance to his fellow student during a serious choking incident.
- b. Debbie Hirt, Pattenburg. Ms. Hirt requested an item from the Hoffman House as a memento of her work and financial contribution in helping the Township acquire the Hoffman property. A salvage bid has been made. The Attorney and Ms. McBride will work with the salvage company to resolve the issue.
- c. Joe Caccavelli, 52 Crooks Cross Road, Pittstown. Discussion of outstanding bill. The Attorney will prepare a written confirmation for Mr. Caccavelli to sign in agreement and set up a meeting to go forward with administrative issues.

**7. REPORTS RECEIVED**

- a. Dept of Roads & Facilities – Week Ending 4/02/12; Ms. McBride thanked DR&F for coming to help with bringing and placing map cabinets donated by Foster Wheeler to the municipal building
- b. Animal Control Officer – Jan/Fed/Mar 2012
- c. Engineer’s Report

- Bids for salvage and demolition of Hoffman House. Received bids and issued memo to Committee outlining what the bids were. Overview of structure of bids. Gave details of individual bids. The Attorney commented that we cannot award any bid for the demolition because we do not have our appropriation finalized but we can make a determination that the alternate bids are not properly bid.
- Preliminary Race Street field work done.
- Perryville Project Sect 3A&B. Preliminary field work done and will assess the field data.

## 8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Severino mentioned the following correspondence:

- NJ DOT, Re: Maint. Roadway Repair Contract Central, Sub-Region C-1, Contract No. C 105, DP No. 11420. Job Code Number: 2621596. DOT will be milling and paving Rt. 173.

Ms. McBride mentioned the following correspondence: None

Mr. Bischoff mentioned the following correspondence:

- Borough of Califon, Re: Res. #2012-41 Requesting a Study of School District Consolidation Alternatives in the County of Hunterdon.
- Twp. of Readington, Re: Res. Requesting Public Hearings to Held on the Flood Hazard Area Permit Application for the Transcontinental Gas Pipeline Company's Northeast Supply Link Project. For your information.
- NJ DOT, Re: Unable to Provide 2012 Municipal Aid Grant for Section of Frontage & Perryville Rd. The Engineer called DOT to get documentation on how Union Township did rank.. He suggested that residents, schools and businesses submit their concerns that about the condition of the two roads.

## 9. PUBLIC COMMENTS

## 10. PUBLIC HEARING

## 11. OLD BUSINESS

## 12. NEW ORDINANCE – 1<sup>st</sup> Reading

TOWNSHIP OF UNION  
COUNTY OF HUNTERDON

### NOTICE OF INTRODUCTION OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 18<sup>TH</sup> day of April, 2012, at 7:00 pm. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on May 16, 2012 at 7:00 pm or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. at which time all interested parties will be heard.

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Ella M. Ruta, Municipal Clerk

**ORDINANCE #2012-7**

**AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY, NEW JERSEY, FOR THE DEMOLITION OF VARIOUS BUILDINGS ON THE PROPERTY KNOWN AS BLOCK 19 LOT 12 – HOFFMAN PARK**

WHEREAS, there is currently within the 2012 Capital Fund of the Township of Union, County of Hunterdon, State of New Jersey, an item entitled Capital Improvement Fund; and

WHEREAS, there is in this fund at least \$40,000.00; and

WHEREAS, the Township Committee of the Township of Union has deemed there is a need for the demolition of various buildings at Hoffman Park, Block 19 Lot 12;

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that:

SECTION 1. There is hereby appropriated from the Capital Improvement Fund of the 2012 General Capital Fund for the demolition of various buildings at Hoffman Park, Block 19 Lot 12, the amount of \$40,000.00;

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the terms of the Ordinance be and the same are hereby repealed to the extent of their inconsistency;

SECTION 3. There is no debt incurred by this ordinance.

SECTION 4. This Ordinance shall take effect after proper passage and publication in accordance with law.

BY: \_\_\_\_\_  
William Bischoff, Mayor

First Reading: April 18, 2012  
Publication in Full April 26, 2012  
Second Reading: May 16, 2012  
Publication/Title Only: May 24, 2012

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**13. NEW BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION #2012-73**

**2012 Professional Services Contract-Environmental Consulting Services  
ESI Consultants, Steven Balzano**

**Whereas**, Environmental Strategies Inc. t/a ESI Consultants and Steven Balzano (“Contractor”) has been appointed to provide environmental consulting services for the Township of Union, Hunterdon County, New Jersey, (“Municipality”) for the calendar year **2012**; and

Whereas, the Municipality and the Contractor wish to have a written agreement as to services to be rendered and fees to be charged;

Now, Therefore, Be It Agreed this 18 day of April, 2012, by and between the Municipality and the Contractor as follows:

1. Purpose and Scope of Work: Contractor agrees to provide services to the Municipality as set forth in the engagement letter attached hereto as Exhibit A and made part hereof.
2. Professional Service: In order to insure that the retention of the Professional by the Township constitutes a professional service, as that term is defined under the New Jersey Local Public Contract Law, Contractor represents (1) that services are being rendered and performed by a person authorized by law to practice a recognized profession, (2) the practiced is regulated by law and (3) the performance if the service requires knowledge of an advance type of field of learning acquired by a prolonged, formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training.
3. Conflict of Interest: The Contractor represents that it is not employed or retained and will not be rendering services for an individual, company, municipality or other entity which would create a conflict of interest by virtue of the services the Contractor is now rendering for the Township of Union under the terms of this Agreement. Moreover, the Contractor represents and acknowledges that all information, strategies, positions, etc. will not be disseminated to any third party.
4. Terms of Contract: This contract shall be effective for the period January 1, 2012 through December 31, 2012. Funding for the first ninety (90) days of this contract has been appropriated by the governing body pursuant to the 2012 temporary municipal budget.
5. Appropriation; Compensation: The maximum amount of fees and compensation under this agreement shall not exceed the amount to be appropriated for legal services during the term of this agreement or as said amount may be amended by the governing body. Invoices shall be submitted by the Contractor to the Municipality with vouchers in accordance with applicable laws, regulations and ordinances regarding public contracts and payment of claims.
6. Political Contribution Disclosure: This contract has been awarded to Contractor based on the merits and abilities of Contractor to provide the goods and services as described herein. This contract was not awarded through a “fair and open” process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the undersigned does hereby attest that Contractor, its subsidiaries, assign principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44 A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the *municipality* if a member of that political party is serving on an elective public office of that *municipality* when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that *municipality* when the contract is awarded.

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7. Affirmative Action: Contractor agrees to comply with the terms and conditions of Exhibit B, Mandatory Affirmative Action Language and Affirmative Action Plan/Report Filing Information, which are attached to and made a part of this contract.
8. Exhibit C (Business Registration Certificate), Exhibit E (Political Contribution Disclosure Form) are attached to and made a part of this contract.
9. Assignment: This contract shall not be assigned.

Date: April 18, 2012

## CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2012 Temporary/Adopted Budget to award a contract to Steven Balzano, under the line item "Consulting Services".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried Subject to Attorney Review

- b. The following resolution was introduced for adoption:

**RESOLUTION #2012-74**  
**UNION TOWNSHIP, HUNTERDON COUNTY**

**2012 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL**

**Anthony J. Pannella, Jr., Esq., Esq.**  
**of the Firm Wilentz Goldman & Spitzer P.A.**

WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Union (the "Township") in the Township of Union, County of Hunterdon, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of WILENTZ GOLDMAN & SPITZER P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, New Jersey, 07095-0958, is so recognized by the financial community; and

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WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union as follows:

1. The law firm of Wilentz Goldman & Spitzer P.A., Woodbridge, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Union in accordance with an Agreement;
2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
3. POLITICAL CONTRIBUTION DISCLOSURE. This contract has been awarded to professional based on the merits and abilities of professional to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the professional does hereby attest that professional, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A.19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.
4. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.
5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

Date: April 18, 2012

## CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, as Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the **2012** Temporary/Adopted Budget to award a contract to Wilentz Goldman & Spitzer P.A., as appropriated under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

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Motion carried

Mayor Bischoff stated that he spoke with Dr. Souza regarding his 2012 Professional Services Contract staying at the same rate as 2011.

The following resolution was introduced for adoption:

**RESOLUTION #2012 - 75  
TOWNSHIP OF UNION, HUNTERDON COUNTY  
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

**WHEREAS**, Tax Sale Certificate #2010-02 was issued on October 4<sup>th</sup>, 2011 to U.S. Bank Cust / Emp IV, Cap One in the amount of \$3,721.95: and

**WHEREAS**, U.S. Bank Cust / Emp IV, Cap One has paid subsequent taxes on the delinquency; and

**WHEREAS**, the lien was redeemed on April 18, 2012, in the amount of \$4,209.42 in accordance with provisions of NJSA54:5-60 et seq.; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 18th day of April, 2012, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$4,209.42 payable to U.S. Bank Cust / Emp IV, Cap One, 2 Liberty Place, 50 South 16<sup>th</sup> Street, suite 1950, Philadelphia, PA 19102-2513
2. That this resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

c. The following resolution was introduced for adoption:

**RESOLUTION #2012-76  
TOWNSHIP OF UNION, HUNTERDON COUNTY  
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

**WHEREAS**, Tax Sale Certificate #2010-04 was issued on October 4<sup>th</sup>, 2011 to FNA Jersey BOI, LLC in the amount of \$3,866.19 and a premium of \$3,600.00: and

**WHEREAS**, FNA Jersey BOI, LLC has paid subsequent taxes on the delinquency; and

**WHEREAS**, the lien was redeemed on April 18, 2012, in the amount of \$8,555.98 in accordance with provisions of NJSA54:5-60 et seq.; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 18th day of April, 2012, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

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3. The Treasurer issue a check in the amount of \$8,555.98 and a premium of \$3,600.00 for a total of \$12,155.98 payable to FNA Jersey BOI, LLC, PO Box 1030, Brick, NJ 08723
4. That this resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- d. The following resolution was introduced for adoption:

**RESOLUTION 2012-77**  
**Demolition Bond Refund**  
**Cornerstone Custom Contracting, Inc., Po Box 5276**  
**North Branch, NJ 08876**  
**Block 5 Lot 15**

**WHEREAS**, Cornerstone Custom Contracting, Inc., did post a demolition bond in the amount of \$500.00 for work performed at Block 5 Lot 15 in the Township, and

**WHEREAS**, the work and inspections are complete, and

**WHEREAS**, the Department of Community Affairs, has issued the final approval,

**NOW, THEREFORE, BE IT RESOLVED**, that the demolition bond in the amount of \$500.00, be released to Cornerstone Custom Contracting, Inc.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- e. The following resolution was introduced for adoption:

**RESOLUTION #2012-78**  
**UNION TOWNSHIP, HUNTERDON COUNTY**  
**PART-TIME SEASONAL HELP**  
**DEPARTMENT OF ROADS AND FACILITIES**

**WHEREAS**, there is a need for part-time seasonal parks maintenance worker help for UT DR&F; and



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**WHEREAS**, Mark Green and William Scott Howarth have submitted employment applications and have expressed an interest in same;

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union to hire Mark Green and William Scott Howarth, Jr. as part-time seasonal parks maintenance worker for Union Township Department of Roads and Facilities effective April 18, 2012 at an hourly rate of \$14.00.

**BE IT FURTHER RESOLVED** that they will be notified subject to availability and discretion of the Dept of Roads and Facilities Foreman in accordance with the needs of the department.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

f. The following resolution was introduced for adoption:

**RESOLUTION #2012-79**

**Resolution Opposing Senate Bills S-1451 (Open Public Meetings Act)  
and S-1452 ( Open Public Records Act)**

**WHEREAS**, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

**WHEREAS**, the governing body of the Township of Union, Hunterdon County, State of New Jersey agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and

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- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the governing body of the (*insert name of municipality*) agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

**WHEREAS**, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist

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to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and

- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS**, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the governing body of the Township of Union strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Township of Union, County of Hunterdon and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the Twenty

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Third State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

g. The following resolution was introduced for adoption:

**RESOLUTION #2012-80**

**AWARDING BID FOR HOFFMAN PARK SALVAGE PROJECT UNDER ALTERNATE #2  
TO RESTORATION TECHNOLOGIES, BELVIDERE, NEW JERSEY**

**WHEREAS**, the Township of Union advertised, and subsequently received bids, for the Hoffman Park Demolition and Salvage Project on April 12, 2012, as shown on the attached bid summary and;

**WHEREAS**, four (4) bids were received for the Salvage Contract as follows:

<u>Contractor</u>	<u>Bid</u>	<u>Alt #1 Bid</u>	<u>Alt #2 Bid</u>
Restoration Technologies, Belvidere, NJ	\$117.00	\$177.00	\$2,177.00
SMAC Corp., Paterson, NJ	\$1,000.00	\$1,200.00	\$1,400.00
ATG, Inc., Fairfield, NJ	\$1.00	\$1.00	\$1.00
Brennan Bros., Old Bridge, NJ	\$1.00	\$1.00	\$1.00

**WHEREAS**, the Township Engineer has reviewed the bids submitted and determined that Restoration Technologies of Belvidere, NJ has submitted the highest responsive bid offer for the salvage right in the amount of \$2,177.00, under the Alternate #2 which covers Buildings #1,2, 3, 4 & the Main Dwelling and;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Union that the bid for the Hoffman Park Salvage Project under Alternate #2 be awarded to Restoration Technologies, Belvidere, New Jersey for their bid offer of \$2,177.00 subject to the following conditions:

1. The Contractor must provide the required insurance Certificate within 10 calendar days of the date of this resolution of award.
2. The Contractor must provide payment in full in the form of a certified check made payable to the Township of Union in the amount of \$2,177.00 within 10 calendar days of the date of this resolution of award
3. The Contractor must complete the salvage operation within 35 working days and all work must be completed in accordance with the provisions of the Plans & Specifications prepared by Robert J. Clerico, P.E., and Township Engineer. All rights conveyed to the Contractor under this award terminate at the end of the 35 working day period.

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4. Upon completion of the salvage operation the Contractor must provide the Township with a general list of the items that have been salvaged.
5. Upon completion of the above the Township of Union will return to the Contractor the \$250.00 Bid Security Check that was included with his bid submission.

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William Bischoff, Mayor

ATTEST:

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Ella Ruta, Clerk

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- h. Motion to Approve** – Application for Use of Public Facilities – Pack 119 Cub Scouts; Municipal Parking Lot on April 21 & 22, 2012

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

## 14. REPORTS

- a. Attorney's Report**

**RESOLUTION 2012-81**  
**Re: Hoffman Park Structures Demolition Bids**

**WHEREAS**, bids were received for the project known as "Salvage and Demolition Project, Hoffman Park Structures, 28 Baptist Church Road, Block 19, Lot 12, Township of Union, Hunterdon County, New Jersey," and were opened on March 28, 2012; and

**WHEREAS**, the apparent low bidder for the demolition contract of said project was ATG, Inc. of Fairfield, New Jersey with a bid of \$33,000 for the base contract, \$47,000 for Alternate #1 and \$79,000 for Alternate #2; however, it has been determined that the said apparent low bidder misrepresented that it would be performing the asbestos removal services, when ATG, Inc. did not possess the necessary license to perform such

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asbestos removal services, and failed to disclose in its bid for Alternate #'s 1 and 2 that it would need to utilize the services of a licensed asbestos removal subcontractor; and

**WHEREAS**, the next lowest bidder as to Alternate #'s 1 and 2, Brennan Brothers of Old Bridge, New Jersey bid \$68,851.25 for Alternate #1 and \$128,447.50 for Alternate #2, which amounts are far in excess of the Township's capital budget cost estimate of \$75,000 for this demolition project;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that Alternate Bid #'s 1 and 2 of ATG, Inc. of Fairfield, New Jersey are hereby declared to be non-responsive due to ATG, Inc.'s misrepresentation that it was capable of performing the required asbestos removal, and the failure of ATG, Inc. to list the licensed asbestos removal subcontractor it would be using in its bid; and

**BE IT FURTHER RESOLVED**, that whereas the base bid of ATG, Inc. in the amount of \$33,000 appears to be fully responsive to the bid requirements, action shall be deferred on said bid pending finalization of the appropriation for same; and

**BE IT FURTHER RESOLVED**, that due to the fact that the next lowest bids for Alternate #'s 1 and 2 submitted by Brennan Brothers are far in excess of the Township's budgetary cost estimate, it is ordered that the demolition contract for Alternate #'s 1 and 2 shall be publicly rebid by the Township Engineer as soon as possible; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- Call about filming on Old Farm Road. No blocking of streets, insurance certificate naming the Township as additional insured, notify the residents, notice to the Township, and providing private security.

**Motion to Approve:** To allow filming of a commercial on Old Farm Road under the conditions cited.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried subject to Attorney review and whatever additional conditions may apply.

- Executive Session
- School bus signs on Ruppell Road, our Engineer to certify the placement.

d. **Mayor's Report**

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- Quote “Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and the man who leads that gains the victory.” George S. Patton 1933.
- Letter to Mr. Simmons at NJ DOT
- Robin Hill letter from Joanne Sotres to be discussed at the next meeting.
- Attorney will follow up on the Pilot meeting.

**e. Committee Report**

Mr. Severino reported the following:

- Franklin Township agreed to the sharing of their Recycling Coordinator.
- Contract with Waste Management we are still working out the details for single stream and it should be finalized next week.
- Virtual auction sold the 56 Grader for \$1,750. 00 minus commission of 15%, net about \$1,500.00. There will also be a separate auction in May more suitable for the other surplus items.
- Finn Road Park, the DEP approved our reclassification of the well from irrigation to domestic /community. Next week the well will be chlorinated, following week we will take water samples.
- Animal Control Report, there were three separate calls at the same address for loose dogs. I call the Animal Control Officer to check, there is no serious problems just s series of happenstances and she has never had calls to that address in the past.

Ms. McBride reported the following:

- Donation from Foster Wheeler of several map cabinents. Thank you letter sent.
- ANJEC Grant. Map of all conservation easements in the Township.
- Stream clean-up this Saturday on Patrick Drive sponsored by the South Branch.
- Milligan Farm/Transco/owner – tax map update
- Memo to DR&F Foreman on Van Syckels road signs, tonnage signs be corrected and new weight limit signs be put in place for missing ones.
- I requested DR&F Foreman to fill in the hole near the Hoffman House.
- Executive session, negotiations.

**f. Clerk’s Report - None****15. PUBLIC COMMENTS - None****16. PAYMENTS OF BILLS**

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**17. EXECUTIVE SESSION – Contract Negotiations, Personnel, Potential Litigation**

**RESOLUTION #2012-82****Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

2. \_\_\_\_\_ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on April 18, 2012, at 8:19 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

To go in 8:19 p.m.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

To come out 8:50 p.m.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			



## MINUTES OF REGULAR MEETING April 18, 2012

Motion carried

Action taken after Executive Session:

**Motion:** To approve April 4, 2012 Executive Session Meeting Minutes as amended.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

**Motion:** To approve the Transco Reimbursement Agreement subject to the approval of Mr. Severino and the Attorney.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza						X
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**18. ADJOURNMENT** - There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Ms. McBride seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 8:51 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ella M. Ruta, RMC

\_\_\_\_\_  
William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant